CHILD ABUSE PREVENTION, ADOPTION, AND FAMILY SERVICES ACT OF 1988

19-139 O - 88 (294)

Public Law 100-294
100th Congress

An Act

Apr. 25, 1988
[H.R. 1900]

To amend the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Family Violence Prevention and Services Act to extend through fiscal year 1991 the authorities established in such Acts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Child Abuse Prevention, Adoption, and Family Services Act of 1988.
42 USC 5101 note.

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Child Abuse Prevention, Adoption, and Family Services Act of 1988".

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

State and local governments.
Health and medical care.
Health care professionals.
Health care facilities.

SEC. 101. AMENDMENT TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT.

The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended to read as follows:

42 USC 5101 note.

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Child Abuse Prevention and Treatment Act'.

"(b) TABLE OF CONTENTS.—The table of contents is as follows:

"TABLE OF CONTENTS

"Sec. 1. Short title and table of contents.
"Sec. 2. National Center on Child Abuse and Neglect.
"Sec. 3. Advisory Board on Child Abuse and Neglect.
"Sec. 4. Inter-Agency Task Force on Child Abuse and Neglect.
"Sec. 5. National clearinghouse for information relating to child abuse.
"Sec. 6. Research and assistance activities of the National Center on Child Abuse and Neglect.
"Sec. 7. Grants to public agencies and nonprofit private organizations for demonstration or service programs and projects.
"Sec. 8. Grants to States for child abuse and neglect prevention and treatment programs.
"Sec. 9. Technical assistance to States for child abuse prevention and treatment programs.
"Sec. 10. Grants to States for programs relating to the investigation and prosecution of child abuse cases.
"Sec. 11. Miscellaneous requirements relating to assistance.
"Sec. 12. Coordination of child abuse and neglect programs.
"Sec. 13. Reports.
"Sec. 14. Definitions.
"Sec. 15. Authorization of appropriations.

Public Laws: Public Laws / 100th Congress / 1988

"SEC. 2. NATIONAL CENTER ON CHILD ABUSE AND NEGLECT.

Establishment.
42 USC 5101.

"(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an office to be known as the National Center on Child Abuse and Neglect.

"(b) APPOINTMENT OF DIRECTOR.—

"(1) APPOINTMENT.—The Secretary shall appoint a Director of the Center. Except as otherwise provided in this Act, the Director shall be responsible only for administration and operation of the Center and for carrying out the functions of the Center under this Act. The Director shall have experience in the field of child abuse and neglect.

"(2) COMPENSATION.—The Director shall be compensated at the annual rate provided for a level GS-15 employee under section 5332 of title 5, United States Code.

"(c) OTHER STAFF AND RESOURCES.—The Secretary shall make available to the Center such staff and resources as are necessary for the Center to carry out effectively its functions under this Act. The Secretary shall require that professional staff have experience relating to child abuse and neglect. The Secretary is required to justify, based on the priorities and needs of the Center, the hiring of any professional staff member who does not have experience relating to child abuse and neglect.

"SEC. 3. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

42 USC 5102.

"(a) APPOINTMENT.—The Secretary shall appoint an advisory board to be known as the Advisory Board on Child Abuse and Neglect.

"(b) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointments required by subsection (a).

Federal Register, publication.

"(c) COMPOSITION OF BOARD.—

"(1) NUMBER OF MEMBERS.—The board shall consist of 15 members, each of which shall be a person who is recognized for expertise in an aspect of the area of child abuse, of which—

"(A) 2 shall be members of the task force established under section 4; and

"(B) 13 shall be members of the general public and may not be Federal employees.

"(2) REPRESENTATION.—The Secretary shall appoint members from the general public under paragraph (1)(B) who are individuals knowledgeable in child abuse and neglect prevention, intervention, treatment, or research, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who represent—

"(A) law (including the judiciary);
"(B) psychology (including child development);
"(C) social services (including child protective services);
"(D) medicine (including pediatrics);
"(E) State and local government;
"(F) organizations providing services to disabled persons;
"(G) organizations providing services to adolescents;
"(H) teachers;
"(I) parent self-help organizations;
"(J) parents' groups; and
"(K) voluntary groups.

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"(3) TERMS OF OFFICE.—(A) Except as otherwise provided in this subsection, members shall be appointed for terms of office of 4 years.

"(B) Of the members of the board from the general public first appointed under subsection (a)—

"(i) 4 shall be appointed for terms of office of 2 years;

"(ii) 4 shall be appointed for terms of office of 3 years; and

"(iii) 5 shall be appointed for terms of office of 4 years, as determined by the members from the general public during the first meeting of the board.

"(C) No member of the board appointed under subsection (a) shall be eligible to serve in excess of two consecutive terms, but may continue to serve until such member's successor is appointed.

"(4) VACANCIES.—Any member of the board appointed under subsection (a) to fill a vacancy occurring before the expiration of the term to which such member's predecessor was appointed shall be appointed for the remainder of such term. If the vacancy occurs prior to the expiration of the term of a member of the board appointed under subsection (a), a replacement shall be appointed in the same manner in which the original appointment was made.

"(5) REMOVAL.—No member of the board may be removed during the term of office of such member except for just and sufficient cause.

"(d) ELECTION OF OFFICERS.—The board shall elect a chairperson and vice-chairperson at its first meeting from among the members from the general public.

"(e) MEETINGS.—The board shall meet not less than twice a year at the call of the chairperson. The chairperson, to the maximum extent practicable, shall coordinate meetings of the board with receipt of reports from the task force under section 4(f).

Reports.

"(f) DUTIES.—The board shall—

"(1) annually submit to the Secretary and the appropriate committees of Congress a report containing—

"(A) recommendations on coordinating Federal child abuse and neglect activities to prevent duplication and ensure efficient allocations of resources and program effectiveness; and

"(B) recommendations as to carrying out the purposes of this Act;

"(2) annually submit to the Secretary and the Director a report containing long-term and short-term recommendations on—

"(A) programs;

"(B) research;

"(C) grant and contract needs;

"(D) areas of unmet needs; and

"(E) areas to which the Secretary should provide grant and contract priorities under sections 6 and 7; and

"(3) annually review the budget of the Center and submit to the Director a report concerning such review.

"(g) COMPENSATION.—

"(1) IN GENERAL.—Except as provided in paragraph (3), members of the board, other than those regularly employed by the Federal Government, while serving on business of the board, may receive compensation at a rate not in excess of the daily

equivalent payable to a GS-18 employee under section 5332 of title 5, United States Code, including traveltime.

"(2) TRAVEL.—Except as provided in paragraph (3), members of the board, while serving on business of the board away from their homes or regular places of business, may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(3) RESTRICTION.—The Director may not compensate a member of the board under this section if the member is receiving compensation or travel expenses from another source while serving on business of the board.

"SEC. 4. INTER-AGENCY TASK FORCE ON CHILD ABUSE AND NEGLECT. Establishment. 42 USC 5103.

"(a) ESTABLISHMENT.—The Secretary shall establish a task force to be known as the Inter-Agency Task Force on Child Abuse and Neglect.

"(b) COMPOSITION.—The Secretary shall request representation for the task force from Federal agencies with responsibility for programs and activities related to child abuse and neglect.

"(c) CHAIRPERSON.—The task force shall be chaired by the Director.

"(d) DUTIES.—The task force shall—

"(1) coordinate Federal efforts with respect to child abuse prevention and treatment programs;

"(2) encourage the development by other Federal agencies of activities relating to child abuse prevention and treatment;

"(3) coordinate the use of grants received under this Act with the use of grants received under other programs;

"(4) prepare a comprehensive plan for coordinating the goals, objectives, and activities of all Federal agencies and organizations which have responsibilities for programs and activities related to child abuse and neglect, and submit such plan to such Advisory Board not later than 12 months after the date of enactment of the Child Abuse Prevention, Adoption, and Family Services Act of 1988; and

"(5) coordinate adoption related activities, develop Federal standards with respect to adoption activities under this Act, and prevent duplication with respect to the allocation of resources to adoption activities.

"(e) MEETINGS.—The task force shall meet not less than three times annually at the call of the chairperson.

"(f) REPORTS.—The task force shall report not less than twice annually to the Center and the Board.

"SEC. 5. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE. 42 USC 5104.

"(a) ESTABLISHMENT.—Before the end of the 2-year period beginning on the date of the enactment of the Child Abuse Prevention, Adoption, and Family Services Act of 1988, the Secretary shall through the Center, or by contract of no less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse. Contracts.

"(b) FUNCTIONS.—The Director shall, through the clearinghouse established by subsection (a)—

"(1) maintain, coordinate, and disseminate information on all programs, including private programs, that show promise of

success with respect to the prevention, identification, and treatment of child abuse and neglect, including the information provided by the National Center for Child Abuse and Neglect under section 6(b); and

"(2) maintain and disseminate information relating to—

"(A) the incidence of cases of child abuse and neglect in the general population;

"(B) the incidence of such cases in populations determined by the Secretary under section 105(a)(1);

"(C) the incidence of any such cases related to alcohol or drug abuse; and

"(D) State and local recordkeeping with respect to such cases.

"(c) COORDINATION WITH AVAILABLE RESOURCES.—In establishing a national clearinghouse as required by subsection (a), the Director shall—

"(1) consult with other Federal agencies that operate similar clearinghouses;

"(2) consult with the head of each agency that is represented on the task force on the development of the components for information collection and management of such clearinghouse;

"(3) develop a Federal data system involving the elements under subsection (b) which, to the extent practicable, coordinates existing State, regional, and local data systems; and

"(4) solicit public comment on the components of such clearinghouse.

42 USC 5105.

"SEC. 6. RESEARCH AND ASSISTANCE ACTIVITIES OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT.

"(a) RESEARCH.—

"(1) TOPICS.—The Secretary shall, through the Center, conduct research on—

"(A) the causes, prevention, identification, and treatment of child abuse and neglect;

"(B) appropriate and effective investigative, administrative, and judicial procedures with respect to cases of child abuse; and

"(C) the national incidence of child abuse and neglect, including—

"(i) the extent to which incidents of child abuse are increasing or decreasing in number and severity;

"(ii) the relationship of child abuse and neglect to nonpayment of child support, handicaps, and various other factors; and

"(iii) the incidence of substantiated reported child abuse cases that result in civil child protection proceedings or criminal proceedings, including the number of such cases with respect to which the court makes a finding that abuse or neglect exists and the disposition of such cases.

Grants.
Contracts.

"(2) PRIORITIES.—(A) The Secretary shall establish research and demonstration priorities for making grants or contracts for purposes of carrying out paragraph (1)(A) and activities under section 7.

"(B) In establishing research and demonstration priorities as required by subparagraph (A), the Secretary shall—

"(i) publish proposed priorities in the Federal Register for public comment; and

Federal Register, publication.

"(ii) allow not less than 60 days for public comment on such proposed priorities.

"(b) PUBLICATION AND DISSEMINATION OF INFORMATION.—The Secretary shall, through the Center—

"(1) as a part of research activities establish a national data collection and analysis program, which, to the extent practical, coordinates existing State child abuse and neglect reports and which shall include—

Reports.

"(A) standardized data on false, unfounded, or unsubstantiated reports; and

"(B) information on the number of deaths due to child abuse and neglect;

"(2) annually compile and analyze research on child abuse and neglect and publish a summary of such research;

"(3) compile, evaluate, publish, and disseminate to the States and to the clearinghouse, established under section 5, materials and information designed to assist the States in developing, establishing, and operating the programs described in section 10, including an evaluation of—

"(A) various methods and procedures for the investigation and prosecution of child physical and sexual abuse cases; and

"(B) resultant psychological trauma to the child victim;

"(4) compile, publish, and disseminate training materials—

"(A) for persons who are engaged in or intend to engage in the prevention, identification, and treatment of child abuse and neglect; and

"(B) to appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, and child welfare personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children who have been subjected to abuse; and

"(5) establish model information collection systems, in consultation with appropriate State and local agencies and professionals.

"(c) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary shall, through the Center, provide technical assistance to public and nonprofit private agencies and organizations, including disability organizations and persons who work with children with handicaps, to assist such agencies and organizations in planning, improving, developing, and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect.

Handicapped persons.

"(d) AUTHORITY TO MAKE GRANTS OR ENTER INTO CONTRACTS.—

"(1) IN GENERAL.—The functions of the Secretary under this section may be carried out either directly or through grant or contract.

"(2) DURATION.—Grants under this section shall be made for periods of not more than 5 years. The Secretary shall review each such grant at least annually, utilizing peer review mechanisms to assure the quality and progress of research conducted under such grant.

"(3) PREFERENCE FOR LONG-TERM STUDIES.—In making grants for purposes of conducting research under subsection (a), the

Secretary shall give special consideration to applications for long-term projects.

"(e) PEER REVIEW FOR GRANTS.—

Contracts.

"(1) ESTABLISHMENT OF PEER REVIEW PROCESS.—(A) The Secretary shall establish a formal peer review process for purposes of evaluating applications for grants and contracts under this section and determining the relative merits of the projects for which such assistance is requested.

"(B) Members of peer review panels shall be appointed by the Secretary from among individuals who are not officers or employees of the Office of Human Development Services. In making appointments to such panels, the Secretary shall include only experts in the field of child abuse and neglect.

Contracts.

"(2) REVIEW OF APPLICATIONS FOR ASSISTANCE.—Each peer review panel established under paragraph (1)(A) that reviews any application for a grant, contract, or other financial assistance shall—

"(A) determine the merit of each project described in such application; and

"(B) rank such application with respect to all other applications it reviews in the same priority area for the fiscal year involved, according to the relative merit of all of the projects that are described in such application and for which financial assistance is requested.

"(3) NOTICE OF APPROVAL.—(A) At the end of each application process, the Secretary shall make available upon request, no later than 14 days after the request, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate the list which identifies all applications reviewed by such panel and arranges such applications according to rank determined under paragraph (2) and a list of all applications funded.

"(B) In the instance in which the Secretary approves an application for a program without having approved all applications ranked above such application (as determined under subsection (e)(2)(B)), the Secretary shall append to the approved application a detailed explanation of the reasons relied on for approving the application and for failing to approve each pending application that is superior in merit, as indicated on the list under subsection (e)(2)(B).

Contracts.
42 USC 5106.

"SEC. 7. GRANTS TO PUBLIC AGENCIES AND NONPROFIT PRIVATE ORGANIZATIONS FOR DEMONSTRATION OR SERVICE PROGRAMS AND PROJECTS.

"(a) GENERAL AUTHORITY.—The Secretary, through the Center, shall, in accordance with subsections (b) and (c), make grants to, and enter into contracts with, public agencies or nonprofit private organizations (or combinations of such agencies or organizations) for demonstration or service programs and projects designed to prevent, identify, and treat child abuse and neglect.

"(b) GRANTS FOR RESOURCE CENTERS.—The Secretary shall, directly or through grants or contracts with public or private nonprofit organizations under this section, provide for the establishment of resource centers—

"(1) serving defined geographic areas;

"(2) staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect; and

"(3) providing advice and consultation to individuals, agencies, and organizations which request such services.

"(c) DISCRETIONARY GRANTS.—In addition to grants or contracts made under subsection (b), grants or contracts under this section may be used for the following: Education.

"(1) Training programs—

"(A) for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect; or

"(B) to provide instruction in methods of protecting children from child abuse and neglect to children and to persons responsible for the welfare of children, including parents of and persons who work with children with handicaps. Handicapped persons.

"(2) Such other innovative programs and projects as the Secretary may approve, including programs and projects for parent self-help, for prevention and treatment of alcohol and drug-related child abuse and neglect, and for home health visitor programs designed to reach parents of children in populations in which risk is high, that show promise of successfully preventing and treating cases of child abuse and neglect, and for a parent self-help program of demonstrated effectiveness which is national in scope. Alcohol and alcoholic beverages. Drugs and drug abuse.

"(3) Projects which provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

"(4) Respite and crisis nursery programs provided by community-based organizations under the direction and supervision of hospitals.

"(5) Respite and crisis nursery programs provided by community-based organizations.

"(6)(A) Providing hospital-based information and referral services to—

"(i) parents of children with handicaps; and

"(ii) children who have been neglected or abused and their parents.

"(B) Except as provided in subparagraph (C)(iii), services provided under a grant received under this paragraph shall be provided at the hospital involved—

"(i) upon the birth or admission of a handicapped child; and

"(ii) upon the treatment of a child for abuse or neglect.

"(C) Services, as determined as appropriate by the grantee, provided under a grant received under this paragraph shall be hospital-based and shall consist of—

"(i) the provision of notice to parents that information relating to community services is available;

"(ii) the provision of appropriate information to parents of a child with handicaps regarding resources in the community, particularly parent training resources, that will assist such parents in caring for their child;

"(iii) the provision of appropriate information to parents of a child who has been neglected or abused regarding resources in the community, particularly parent training resources, that will assist such parents in caring for their child and reduce the possibility of abuse or neglect;

"(iv) the provision of appropriate follow-up services to parents of a child described in subparagraph (B) after the child has left the hospital; and

"(v) where necessary, assistance in coordination of community services available to parents of children described in subparagraph (B).

The grantee shall assure that parental involvement described in this subparagraph is voluntary.

"(D) For purposes of this paragraph, a qualified grantee is a nonprofit acute care hospital that—

"(i) is in a combination with—

"(I) a health-care provider organization;

"(II) a child welfare organization;

"(III) a disability organization; and

"(IV) a State child protection agency;

"(ii) submits an application for a grant under this paragraph that is approved by the Secretary;

"(iii) maintains an office in the hospital involved for purposes of providing services under such grant;

"(iv) provides assurances to the Secretary that in the conduct of the project the confidentiality of medical, social, and personal information concerning any person described in subparagraph (A) or (B) shall be maintained, and shall be disclosed only to qualified persons providing required services described in subparagraph (C) for purposes relating to conduct of the project; and

"(v) assumes legal responsibility for carrying out the terms and conditions of the grant.

Urban areas. Rural areas.

"(E) In awarding grants under this paragraph, the Secretary shall—

"(i) give priority under this section for two grants under this paragraph, provided that one grant shall be made to provide services in an urban setting and one grant shall be made to provide services in rural setting; and

"(ii) encourage qualified grantees to combine the amounts received under the grant with other funds available to such grantees.

"(7) Such other innovative programs and projects that show promise of preventing and treating cases of child abuse and neglect as the Secretary may approve.

42 USC 5106a.

"SEC. 8. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

"(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary, through the Center, is authorized to make grants to the States for purposes of assisting the States in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

"(b) ELIGIBILITY REQUIREMENTS.—In order for a State to qualify for a grant under subsection (a), such State shall—

"(1) have in effect a State law relating to child abuse and neglect, including—

"(A) provisions for the reporting of known and suspected instances of child abuse and neglect; and

"(B) provisions for immunity from prosecution under State and local laws for persons who report instances of child abuse or neglect for circumstances arising from such reporting;

"(2) provide that upon receipt of a report of known or suspected instances of child abuse or neglect an investigation shall be initiated promptly to substantiate the accuracy of the report, and, upon a finding of abuse or neglect, immediate steps shall be taken to protect the health and welfare of the abused or neglected child and of any other child under the same care who may be in danger of abuse or neglect;

"(3) demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such—

"(A) administrative procedures;

"(B) personnel trained in child abuse and neglect prevention and treatment;

"(C) training procedures;

"(D) institutional and other facilities (public and private); and

"(E) such related multidisciplinary programs and services,

as may be necessary or appropriate to ensure that the State will deal effectively with child abuse and neglect cases in the State;

"(4) provide for methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians; Confidential information.

"(5) provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and appropriate State agencies providing human services;

"(6) provide that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceedings;

"(7) provide that the aggregate of support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during fiscal year 1973, and set forth policies and procedures designed to ensure that Federal funds made available under this Act for any fiscal year shall be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects;

"(8) provide for dissemination of information, including efforts to encourage more accurate reporting, to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat instances of child abuse and neglect; Public information.

"(9) to the extent feasible, ensure that parental organizations combating child abuse and neglect receive preferential treatment; and

"(10) have in place for the purpose of responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life- Handicapped persons.

threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

"(A) coordination and consultation with individuals designated by and within appropriate health-care facilities;

"(B) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions); and

"(C) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.

"(c) WAIVERS.—

"(1) GENERAL RULE.—Subject to paragraph (3) of this subsection, any State which does not qualify for assistance under this subsection may be granted a waiver of any requirement under paragraph (2) of this subsection—

"(A) for a period of not more than one year, if the Secretary makes a finding that such State is making a good faith effort to comply with any such requirement, and for a second one-year period if the Secretary makes a finding that such State is making substantial progress to achieve such compliance; or

"(B) for a nonrenewable period of not more than two years in the case of a State the legislature of which meets only biennially, if the Secretary makes a finding that such State is making a good faith effort to comply with such requirement.

"(2) EXTENSION.—(A) Subject to paragraph (3) of this subsection, any State whose waiver under paragraph (1) expired as of the end of fiscal year 1986 may be granted an extension of such waiver, if the Secretary makes a finding that such State is making a good faith effort to comply with the requirements under subsection (b) of this section—

"(i) through the end of fiscal year 1988; or

"(ii) in the case of a State the legislature of which meets biennially, through the end of the fiscal year 1989 or the end of the next regularly scheduled session of such legislature, whichever is earlier.

Effective date.

"(B) This provision shall be effective retroactively to October 1, 1986.

"(3) REQUIREMENTS UNDER SUBSECTION (b)(10).—No waiver under paragraph (1) or (2) may apply to any requirement under subsection (b)(10) of this section.

"(d) REDUCTION OF FUNDS IN CASE OF FAILURE TO OBLIGATE.—If a State fails to obligate funds awarded under subsection (a) before the expiration of the 18-month period beginning on the date of such award, the next award made to such State under this section after the expiration of such period shall be reduced by an amount equal of the amount of such unobligated funds unless the Secretary determines that extraordinary reasons justify the failure to so obligate.

"(e) RESTRICTIONS RELATING TO CHILD WELFARE SERVICES.—Programs or projects relating to child abuse and neglect assisted under part B of title IV of the Social Security Act shall comply with the

requirements set forth in paragraphs (1)(A), (2), (4), (5), and (10) of subsection (b).

"(f) COMPLIANCE AND EDUCATION GRANTS.—The Secretary is authorized to make grants to the States for purposes of developing, implementing, or operating— Handicapped persons.

"(1) the procedures or programs required under subsection (b)(10);

"(2) information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

"(A) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities; and

"(B) the parents of such infants; and

"(3) programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

"(A) existing social and health services;

"(B) financial assistance; and

"(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption.

"SEC. 9. TECHNICAL ASSISTANCE TO STATES FOR CHILD ABUSE PREVENTION AND TREATMENT PROGRAMS. 42 USC 5106b.

"(a) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary shall provide, directly or through grants or contracts with public or private nonprofit organizations, for— Grants. Contracts.

"(1) training and technical assistance programs to assist States in developing, implementing, or operating programs and procedures meeting the requirements of section 8(b)(10); and

"(2) the establishment and operation of national and regional information and resource clearinghouses for the purpose of providing the most current and complete information regarding medical treatment procedures and resources and community resources for the provision of services and treatment to disabled infants with life-threatening conditions, including— Public information. Handicapped persons.

"(A) compiling, maintaining, updating, and disseminating regional directories of community services and resources (including the names and phone numbers of State and local medical organizations) to assist parents, families, and physicians; and

"(B) attempting to coordinate the availability of appropriate regional education resources for health-care personnel. Education.

"(b) LIMITATION ON FUNDING.—Not more than $1,000,000 of the funds appropriated for any fiscal year for purposes of carrying out this Act may be used to carry out this section.

"SEC. 10. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES. 42 USC 5106c.

"(a) GRANTS TO STATES.—The Secretary, acting through the Center and in consultation with the Attorney General, is authorized to make grants to the States for the purpose of assisting States in developing, establishing, and operating programs designed to improve—

"(1) the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim; and

"(2) the investigation and prosecution of cases of child abuse, particularly child sexual abuse.

"(b) ELIGIBILITY REQUIREMENTS.—In order for a State to qualify for assistance under this section, such State shall—

"(1) fulfill the requirements of sections 8(b) and 8(e) or receive a waiver under section 8(c);

"(2) establish a task force as provided in subsection (c);

"(3) fulfill the requirements of subsection (d); and

"(4) submit an application to the Secretary at such time and containing such information and assurances as the Secretary considers necessary, including an assurance that the State will—

Reports. "(A) make such reports to the Secretary as may reasonably be required; and

Records. "(B) maintain and provide access to records relating to activities under subsections (a) and (b).

"(c) STATE TASK FORCES.—

"(1) GENERAL RULE.—Except as provided in paragraph (2), a State requesting assistance under this section shall establish or designate a State multidisciplinary task force on children's justice (hereinafter referred to as 'State task force') composed of professionals with knowledge and experience relating to the criminal justice system and issues of child abuse. The State task force shall include—

"(A) individuals representing the law enforcement community;

"(B) judicial and legal officers (including individuals involved with the defense as well as the prosecution of such cases);

"(C) child advocates;

"(D) health and mental health professionals;

"(E) individuals representing child protective service agencies;

"(F) individuals experienced in working with children with handicaps;

"(G) parents; and

"(H) representatives of parents' groups.

"(2) EXISTING TASK FORCE.—As determined by the Secretary, a State commission or task force established after January 1, 1983, with substantially comparable membership and functions, may be considered the State task force for purposes of this subsection.

"(d) STATE TASK FORCE STUDY.—Before a State receives assistance under this section, the State task force shall—

"(1) review and evaluate State investigative, administrative and judicial handling of cases of child abuse, particularly child sexual abuse; and

"(2) make recommendations in each of the categories described in subsection (e).

The task force may make such other comments and recommendations as are considered relevant and useful.

"(e) ADOPTION OF STATE TASK FORCE RECOMMENDATIONS.—

"(1) GENERAL RULE.—Subject to the provisions of paragraph (2), before a State receives assistance under this section, a State

shall adopt recommendations of the State task force in each of the following categories—

"(A) investigative, administrative, and judicial handling of cases of child abuse, particularly child sexual abuse cases, in a manner which reduces the additional trauma to the child victim and which also ensures procedural fairness to the accused;

"(B) experimental, model and demonstration programs for testing innovative approaches and techniques which may improve the rate of successful prosecution or enhance the effectiveness of judicial and administrative action in child abuse cases, particularly child sexual abuse cases, and which also ensure procedural fairness to the accused; and Research and development.

"(C) reform of State laws, ordinances, regulations and procedures to provide comprehensive protection for children from abuse, particularly child sexual abuse, while ensuring fairness to all affected persons.

"(2) EXEMPTION.—As determined by the Secretary, a State shall be considered to be in fulfillment of the requirements of this subsection if—

"(A) the State adopts an alternative to the recommendations of the State task force, which carries out the purpose of this section, in each of the categories under paragraph (1) for which the State task force's recommendations are not adopted; or

"(B) the State is making substantial progress toward adopting recommendations of the State task force or a comparable alternative to such recommendations.

"(f) FUNDS AVAILABLE.—For grants under this section, the Secretary shall use the amount authorized by section 1404A of the Victims of Crime Act of 1984.

"SEC. 11. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE. 42 USC 5106d.

"(a) CONSTRUCTION OF FACILITIES.—

"(1) RESTRICTION ON USE OF FUNDS.—Assistance provided under this Act may not be used for construction of facilities.

"(2) LEASE, RENTAL, OR REPAIR.—The Secretary may authorize the use of funds received under this Act—

"(A) where adequate facilities are not otherwise available, for the lease or rental of facilities; or

"(B) for the repair or minor remodeling or alteration of existing facilities.

"(b) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this Act among the States, among geographic areas of the Nation, and among rural and urban areas of the Nation. To the extent possible, the Secretary shall ensure that the citizens of each State receive assistance from at least one project under this Act. Urban areas. Rural areas.

"(c) PREVENTION ACTIVITIES.—The Secretary, in consultation with the task force and the board, shall ensure that a majority share of assistance under this Act is available for discretionary research and demonstration grants. Research and development. Grants.

"(d) LIMITATION.—No funds appropriated for any grant or contract pursuant to authorizations made in this Act may be used for any purpose other than that for which such funds were authorized to be appropriated.

42 USC 5106e.

"SEC. 12. COORDINATION OF CHILD ABUSE AND NEGLECT PROGRAMS.

Regulations.

"The Secretary shall prescribe regulations and make such arrangements as may be necessary or appropriate to ensure that there is effective coordination among programs related to child abuse and neglect under this Act and other such programs which are assisted by Federal funds.

42 USC 5106f.

"SEC. 13. REPORTS.

"(a) COORDINATION EFFORTS.—Not later than March 1 of the second year following the date of enactment of the Child Abuse Prevention, Adoption, and Family Services Act of 1988 and every 2 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report on efforts during the 2-year period preceding the date of the report to coordinate the objectives and activities of agencies and organizations which are responsible for programs and activities related to child abuse and neglect.

"(b) EFFECTIVENESS OF STATE PROGRAMS AND TECHNICAL ASSISTANCE.—Not later than two years after the first fiscal year for which funds are obligated under section 1404A of the Victims of Crime Act of 1984, the Secretary shall submit to the appropriate committees of Congress a report evaluating the effectiveness of—

"(1) assisted programs in achieving the objectives of section 10; and

"(2) the technical assistance provided under section 9.

42 USC 5106g.

"SEC. 14. DEFINITIONS.

"For purposes of this Act—

"(1) the term 'board' means the Advisory Board on Child Abuse and Neglect established under section 3;

"(2) the term 'Center' means the National Center on Child Abuse and Neglect established under section 2;

"(3) the term 'child' means a person who has not attained the lesser of—

"(A) the age of 18; or

"(B) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;

"(4) the term 'child abuse and neglect' means the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child by a person who is responsible for the child's welfare, under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary;

"(5) the term 'person who is responsible for the child's welfare' includes—

"(A) any employee of a residential facility; and

"(B) any staff person providing out-of-home care;

"(6) the term 'Secretary' means the Secretary of Health and Human Services;

"(7) the term 'sexual abuse' includes—

"(A) the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or

"(B) the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children;

"(8) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands;

"(9) the term 'task force' means the Inter-Agency Task Force on Child Abuse and Neglect established under section 4; and

"(10) the term 'withholding of medically indicated treatment' means the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment—

"(A) the infant is chronically and irreversibly comatose;

"(B) the provision of such treatment would—

"(i) merely prolong dying;

"(ii) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

"(iii) otherwise be futile in terms of the survival of the infant; or

"(C) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.

"SEC. 15. AUTHORIZATION OF APPROPRIATIONS. 42 USC 5106h.

"(a) IN GENERAL.—There are authorized to be appropriated for purposes of carrying out this Act $48,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991. Of the funds appropriated for any fiscal year under this section, except as provided in the succeeding sentence (1)(A) $11,000,000 shall be available for activities under sections 5, 6, and 7, and (B), $9,000,000 shall be available in each fiscal year for activities under sections 8(a) and 9 of this Act, giving special consideration to continued funding of child abuse and neglect programs or projects (previously funded by the Department of Health and Human Services) of national or regional scope and demonstrated effectiveness, (2) $5,000,000 shall be available in each such year for grants and contracts under section 7(a) of this Act, for identification, treatment, and prevention of sexual abuse, and (3) $5,000,000 shall be available in each such year for the purpose of making additional grants to the States to carry out the provisions of section 8(f) of this Act. With respect to any fiscal year in which the total amount appropriated under this section is less than $30,000,000, no less than $20,000,000 of the funds appropriated in such fiscal year shall be available as provided in clause (1) in the preceding sentence and of the remainder, one-half shall be available as provided for in clause (2) and one-half as provided for in clause (3) in the preceding sentence.

Grants.
Contracts.

"(b) AVAILABILITY OF FUNDS WITHOUT FISCAL YEAR LIMITATION.—The Secretary shall ensure that funds appropriated pursuant to authorizations in this Act shall remain available until expended for the purposes for which they were appropriated.".

42 USC 5105 note.

SEC. 102. CHILD ABUSE AND DISABILITY.

(a) STUDY.—The Director of the National Center on Child Abuse and Neglect shall conduct a study of—

(1) the incidence of child abuse among children with handicaps, including children in out-of-home placements, and the relationship between child abuse and children's handicapping conditions; and

(2) the incidence of children who have developed handicapping conditions as a result of child abuse or neglect.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director shall report to the appropriate committees of Congress with respect to the study conducted pursuant to subsection (a). The report shall include—

(1) the information and data gathered;

(2) an analysis of such information and data; and

(3) recommendations on how to prevent abuse of disabled children.

42 USC 5105 note.

SEC. 103. CHILD ABUSE AND ALCOHOLIC FAMILIES.

(a) STUDY.—The Director of the National Center on Child Abuse and Neglect shall conduct a study of the incidence of child abuse in alcoholic families and the relationship between child abuse and familial alcoholism.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director shall report to the appropriate committees of Congress with respect to the study conducted pursuant to subsection (a). The report shall include—

(1) the information and data gathered;

(2) an analysis of such information and data; and

(3) recommendations on how to prevent child abuse in alcoholic families.

42 USC 5105 note.

SEC. 104. STUDY OF GUARDIAN-AD-LITEM.

(a) STUDY.—The Director of the National Center on Child Abuse and Neglect shall conduct a study of—

(1) how individual legal representation of children in cases of child abuse or neglect has been provided in each State; and

(2) the effectiveness of legal representation of children in cases of abuse or neglect through the use of guardian-ad-litem and court appointed special advocates.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director shall report to the appropriate committees of Congress with respect to the study conducted pursuant to subsection (a). The report shall include—

(1) the information and data gathered;

(2) an analysis of such information and data; and

(3) recommendations on how to improve legal representation of children in cases of abuse or neglect.

42 USC 5105 note.

SEC. 105. HIGH RISK STUDY.

(a) STUDY.—The Director of the National Center on Child Abuse and Neglect shall conduct a study—

(1) to identify groups which have been historically underserved or unserved by programs relating to child abuse and neglect; and

(2) to report the incidence of child abuse and neglect among children who are members of such groups.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director shall report to the appropriate committees of Congress with respect to the study conducted pursuant to subsection (a). The report shall include—

(1) the information and data gathered;

(2) an analysis of such information and data; and

(3) recommendations on how to better meet the needs of underserved or unserved groups.

SEC. 106. PRESIDENTIAL COMMISSION ON CHILD AND YOUTH DEATHS. 42 USC 5101 note.

(a) FINDINGS.—The Congress finds that—

(1) even by conservative estimates, during 1985 and 1986, child abuse fatalities in this country increased by 23 percent;

(2) the average age of children who die from abuse and neglect is two years old;

(3) child abuse fatalities are not inherently predictable but many are preventable;

(4) many accidental childhood injuries are likewise preventable;

(5) accidental childhood injuries remain the biggest killer and disabler of children between the ages of 1 and 14;

(6) in the face of stagnating infant mortality indicators, the United States is now tied for last place among 20 industrialized nations with respect to infant mortality;

(7) the teen suicide rate is starting to climb again, with deaths totaling over 5,000 in 1986; and

(8) homicide is the second leading cause of death in youths aged fourteen to twenty-four years.

(b) ESTABLISHMENT OF COMMISSION.—There is established a National Commission on Child and Youth Deaths (hereafter in this section referred to as the "Commission"). The Commission shall be composed of fifteen members as follows:

(1) Two members of the Senate, one to be selected by the Majority Leader of the Senate, the other to be selected by the Minority Leader of the Senate.

(2) Two members of the House, one to be selected by the Speaker of the House of Representatives, the other to be selected by the Minority Leader of the House.

(3) Four representatives of State government shall be selected by the President:

(A) The chief executive officer of a State.

(B) A chief State official responsible for administering child health and mental health programs.

(C) A chief State official responsible for administering children's social services programs.

(D) A chief State official responsible for administering law enforcement programs.

(4) The Secretary of Health and Human Services.

(5) Six at large members, including representatives of community-based organizations with demonstrated expertise in the prevention and identification of child and youth deaths due to child abuse and neglect, infant mortality (including sudden infant death syndrome), suicide, homicide, and unintentional injuries, to be jointly selected by the Majority Leader of the Senate and Speaker of the House of Representatives.

(c) STUDY AND EVALUATION BY THE COMMISSION.—The Commission shall study and evaluate comprehensively Federal, State, and local

public and private resources which affect child and youth deaths and shall—

(1) evaluate the adequacy and effectiveness of programs designed to prevent or identify child and youth deaths which are intentionally caused or which occur due to negligence, neglect, or a failure to exercise proper care, including child health and mental health services, child protective services, child welfare services, education, juvenile justice services, and law enforcement activities;

(2) evaluate the effectiveness of current Federal, State, and local policies and systems aimed at appropriately identifying and collecting accurate, uniform data on child and youth deaths in a coordinated fashion;

(3) evaluate the adequacy of current Federal, State, and local efforts to enable an appropriate distribution of properly trained child health, mental health, social services, protective services, education, juvenile justice, and law enforcement personnel to prevent and identify child and youth deaths; and

(4) identify current resource limitations on and intergovernmental and Federal interagency barriers to the care needed to prevent high child and youth death rates.

In order to conduct the study and evaluation required by this subsection, the Commission shall hold hearings in areas of the United States with high child and youth death rates.

(d) RECOMMENDATIONS AND REPORT OF THE COMMISSION.—(1) The Commission shall make recommendations with respect to—

(A) a national policy designed to reduce and prevent child and youth deaths, including recommendations for more accurate reporting systems and recommendations concerning appropriate roles for the Federal Government, States, and local governments and the private sector;

(B) specific changes needed in Federal laws and Federal programs to achieve an effective Federal role in preventing child and youth deaths, including the programs specified in subparagraph (A); and

(C) specific changes needed to improve national data collection with respect to child and youth deaths.

In making its recommendations, the Commission shall review recommendations made in recent regional and national conferences and reports on child and youth deaths.

(2) Within 12 months after the appointment of the Commission, the Commission shall prepare and transmit to the President and the appropriate committees of the Congress a report describing the activities of the Commission and containing information gathered and evaluations required by subsection (c) and recommendations required by paragraph (1) of this subsection.

(e) ADMINISTRATION PROVISIONS.—(1) A vacancy in the Commission shall be filled in the same manner as the original appointment was made. A vacancy in the Commission shall not affect its powers.

(2) Members shall be appointed for the life of the Commission.

(3) The members of the Commission shall elect a Chairman from among the members of the Commission.

(4) Eleven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(5) The Commission shall hold its first meeting on a date specified by the President which is not later than 90 days after October 1, 1988. Thereafter, the Commission shall meet at the call of the

Chairman or a majority of its members, but shall meet at least three times during the life of the Commission.

(f) COMPENSATION OF MEMBERS.—(1) Each member of the Commission who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such member is engaged in the actual performance of duties as a member of the Commission. Each member of the Commission who is an officer or employee of the United States shall receive no additional compensation.

(2) While away from their homes or regular place of business in the performance of duties for the Commission, all members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(g) EXECUTIVE DIRECTOR OF COMMISSION.—(1) The Commission shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) With the approval of the Commission, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Commission.

(3) The Executive Director and the additional personnel of the Commission referred to in paragraph (2) may be appointed without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) Subject to such rules as may be prescribed by the Commission, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

(5) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(6) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative and support services as the Commission may request.

(h) POWERS OF COMMISSION.—(1) For the purpose of carrying out this section, the Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) Any member or employee of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this subsection.

(3) The Commission may secure directly from any Federal agency such information as may be necessary to enable the Commission to carry out this section. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

(i) AUTHORIZATION OF APPROPRIATIONS.—For fiscal years beginning after September 30, 1987, there are authorized to be appropriated such sums as may be necessary to carry out this section.

(j) TERMINATION.—The Commission shall terminate 90 days after the date on which the Commission transmits the report required under subsection (d)(2) to the President and the appropriate committees of Congress.

TITLE II—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

SEC. 201. AUTHORIZATION FOR CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978.

42 USC 5115.

Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 205. (a) There are hereby authorized to be appropriated $6,000,000 for the fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991 to carry out programs and activities under this Act except for programs and activities authorized under sections 203(b)(8) and 203(c)(1).

"(b) For any fiscal year in which appropriations under subsection (a) exceeds $5,000,000, there are authorized to be appropriated $3,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 203(b)(8), and there are authorized to be appropriated $3,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 203(c)(1).

"(c) The Secretary shall ensure that funds appropriated pursuant to authorizations in this Act shall remain available until expended for the purposes for which they were appropriated.".

SEC. 202. AMENDMENTS TO CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978 RELATING TO ADOPTION ASSISTANCE AND SERVICES.

(a) MINORITY CHILDREN PLACEMENTS.—Section 203(b) of title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is amended by— 42 USC 5113.

(1) striking the "and" at the end of paragraph (6);

(2) striking the period at the end of paragraph (7) and inserting "; and"; and

(3) adding the following new paragraph:

Grants.
Contracts.

"(8) provide (directly or by grant to or contract with States, local government entities, public or private nonprofit licensed child welfare or adoption agencies or adoptive family groups and community-based organizations with experience in working with minority populations) for the provision of programs aimed at increasing the number of minority children (who are in foster care and have the goal of adoption) placed in adoptive families, with a special emphasis on recruitment of minority families—

"(A) which may include such activities as—

"(i) outreach, public education, or media campaigns to inform the public of the needs and numbers of such children;

"(ii) recruitment of prospective adoptive families for such children;

"(iii) expediting, where appropriate, the legal availability of such children;

"(iv) expediting, where appropriate, the agency assessment of prospective adoptive families identified for such children;

"(v) formation of prospective adoptive family support groups;

"(vi) training of personnel of—

"(I) public agencies;

"(II) private nonprofit child welfare and adoption agencies that are licensed by the State; and

"(III) adoptive parents organizations and community-based organizations with experience in working with minority populations;

"(vii) use of volunteers and adoptive parent groups; and

"(viii) any other activities determined by the Secretary to further the purposes of this Act; and

"(B) shall be subject to the condition that such grants or contracts may be renewed if documentation is provided to the Secretary demonstrating that appropriate and sufficient placements of such children have occurred during the previous funding period.".

(b) POST LEGAL ADOPTION SERVICES.—Section 203 is amended by adding the following new subsection: 42 USC 5113.

"(c)(1) The Secretary shall provide (directly or by grant to or contract with States, local government entities, public or private nonprofit licensed child welfare or adoption agencies or adoptive family groups) for the provision of post legal adoption services for families who have adopted special needs children. Grants. Contracts.

"(2) Services provided under grants made under this subsection shall supplement, not supplant, services from any other funds available for the same general purposes, including—

"(A) individual counseling;

"(B) group counseling;

"(C) family counseling;

"(D) case management;

"(E) training public agency adoption personnel, personnel of private, nonprofit child welfare and adoption agencies licensed by the State to provide adoption services, mental health services professionals, and other support personnel to provide services under this subsection;

"(F) assistance to adoptive parent organizations; and

"(G) assistance to support groups for adoptive parents, adopted children, and siblings of adopted children.

(c) PLACEMENT OF FOSTER CARE CHILDREN.—Section 203, as amended by subsection (b), is amended by adding the following new subsection:

"(d)(1) The Secretary shall make grants for improving State efforts to increase the placement of foster care children legally free for adoption, according to a pre-established plan and goals for improvement. Grants funded by this section must include a strong evaluation component which outlines the innovations used to improve the placement of special needs children who are legally free for adoption, and the successes and failures of the initiative. The Grants. Reports.

evaluations will be submitted to the Secretary who will compile the results of projects funded by this section and submit a report to the appropriate committees of Congress. The emphasis of this program must focus on the improvement of the placement rate—not the aggregate number of special needs children placed in permanent homes. The Secretary, when reviewing grant applications shall give priority to grantees who propose improvements designed to continue in the absence of Federal funds.

Contracts.

"(2) Each State entering into an agreement under this subsection shall submit an application to the Secretary for each fiscal year in a form and manner determined to be appropriate by the Secretary. Each application shall include verification of the placements described in paragraph (1).

"(3)(A) Payments under this subsection shall begin during fiscal year 1989. Payments under this section during any fiscal year shall not exceed $1,000,000. No payment may be made under this subsection unless an amount in excess of $5,000,000 is appropriated for such fiscal year under section 205(a).

"(B) Any payment made to a State under this subsection which is not used by such State for the purpose provided in paragraph (1) during the fiscal year payment is made shall revert to the Secretary on October 1st of the next fiscal year and shall be used to carry out the purposes of this Act.".

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 301. AUTHORIZATION FOR FAMILY VIOLENCE PREVENTION AND SERVICES ACT.

42 USC 10409.

(a) AUTHORIZATION.—Section 310(a) of the Family Violence Prevention and Services Act is amended by—

(1) striking "and" the first place it appears and inserting a comma; and

(2) by striking out the period at the end and inserting in lieu thereof the following: ", $26,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991.".

(b) LIMITATION ON FUNDS AVAILABLE.—Section 310 of such Act is amended by adding at the end thereof the following:

"(c) The Secretary shall ensure that funds appropriated pursuant to authorizations in this Act shall remain available until expended for the purposes for which they were appropriated.".

SEC. 302. REMOVAL OF THREE-YEAR LIMIT ON GRANTS FOR SHELTERS.

Section 303(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(c)) is amended by striking out the second sentence.

SEC. 303. AMENDMENTS TO FAMILY VIOLENCE PREVENTION AND SERVICES ACT.

(a) TECHNICAL AMENDMENT.—The Family Violence Prevention and Services Act is amended by striking out section 312 the first time such section appears in such Act (Public Law 98-457; 42 U.S.C. 10411).

(b) INFORMATION AND TRAINING GRANTS.—Section 311(b) of the Family Violence Prevention and Services Act is amended by inserting at the end thereof the following: 42 USC 10410.

"(2)(A) The Secretary shall award grants or contracts to local law enforcement agencies, acting in coordination with domestic violence shelters, social service agencies and hospitals, for the purposes of— Contracts.

"(i) the development of materials, to be provided to each abused family member at the time such spouse is identified by law enforcement officers, hospital personnel, social services personnel, education counseling personnel, and other appropriate personnel involved in the identification of family violence cases that include—

"(I) an explanation in basic terms of—

"(aa) the rights of the abused family member under the laws of the jurisdiction involved; and

"(bb) the services available to the abused family member, including intervention, treatment, and support services; and

"(II) phone numbers and addresses for the services described in subparagraph (A)(ii);

"(ii) the development of procedures whereby domestic violence shelter, hospital, social service, or law enforcement personnel provide to an abused family member a written report, relating to each incidence of physical abuse reported by the family member, that includes a description of physical injuries to the family member observed by such personnel; and

"(iii) the development of systems whereby domestic violence shelter or local social service personnel, with the consent of the abused family member involved, may obtain from local law enforcement personnel information relating to abuse of such family member, including a report describing the initial contact of such family member and the law enforcement agency.

"(B) The Secretary shall provide assurances that procedures will be developed under this paragraph to guarantee the confidentiality of the records maintained.". Confidential information.

(c) FAMILY VIOLENCE PREVENTION PROJECT.—The Family Violence Prevention and Services Act is amended by adding at the end the following new section:

"FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION PROJECT

"SEC. 313. The Secretary shall, directly or by grant or contract— 42 USC 10413. Grants. Contracts.

"(1) develop data on the individual characteristics relating to family violence;

"(2) provide for the objective documentation of data on the victims of family violence and their dependents based on injuries that are brought to the attention of domestic violence shelter, hospital, social service, or law enforcement personnel, whether or not formal civil or criminal action is taken; and Records.

"(3) provide assurances that procedures will be developed to guarantee the confidentiality of records pertaining to any individual for whom data are compiled through this subsection.". Confidential information.

TITLE IV—ADMINISTRATIVE PROVISIONS

42 USC 5101 note.

SEC. 401. REGULATIONS.

(a) For any rule or regulation needed to implement this Act, the Secretary of Health and Human Services shall—

(1) publish proposed regulations for purposes of implementing the amendments made by this Act before the expiration of the 90-day period beginning on the date of the enactment of this Act;

(2) allow not less than 45 days for public comment on such proposed regulations; and

(3) publish final regulations for purposes of implementing the amendments made by this Act before the end of the 195-day period beginning on the date of the enactment of this Act.

Approved April 25, 1988.

LEGISLATIVE HISTORY—H.R. 1900 (S. 1663):

HOUSE REPORTS: No. 100-135 (Comm. on Education and Labor) and No. 100-543 (Comm. of Conference).

SENATE REPORTS: No. 100-210 accompanying S. 1663 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD:

Vol. 133 (1987): June 8, considered and passed House.
Nov. 3, considered and passed Senate, amended, in lieu of S. 1663.

Vol. 134 (1988): Mar. 30, Senate agreed to conference report.
Apr. 12, House agreed to conference report.

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